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Ans

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,859	03/02/2000	Drew Bertagna	134/005	4216

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EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

11

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,859

Applicant(s)

BERTAGNA, DREW

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,8,10,13-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15,17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The affidavit filed on January 26, 2004 under 37 CFR 1.131 is sufficient to overcome the Merchant reference.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claims 4 and 10, the claims are rejected as depend upon a previous cancelled claims 3 and 9, respectively and therefore making the claims indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over an applicant's admitted prior art (an IEEE standard 802.1Q) in view of Crinion (U.S. Patent 6,181,699 B1).

Regarding to claims 1 and 8, the IEEE standard 802.1Q teaches remapping packet priority in a data communication switch (bridge; page 1, lines 15-18) receiving a packet (a Std. 802.1Q-compliant packet) including a first priority value (the inbound tag priority) on a first port (a reception port; page 1, lines 15-21); determining a second priority value (the outbound tag priority) based on the first priority value (the inbound tag priority) and the virtual trunk value (the virtual trunk value is not defined, therefore, it reads on the reception physical port identifier; page 1, lines 18-21); and transmitting the packet including the second priority value (the outbound tag priority) on a second port (the IEEE standard 802.1Q teach transmitting the packet with the outbound tag priority via a forwarding port).

The IEEE standard 802.1Q does not teach the switch having a plurality of ports and determining a virtual trunk value based on a plurality of values, the plurality of values including a VLAN identifier.

However, Crinion discloses a network switch having a plurality of ports (Fig. 8) with a search circuit 130 for determining a virtual trunk value (tagging information) based on a plurality of values, the plurality of values including a VLAN identifier (Fig. 1 col. 3 lines 8-14).

Thus, it would be obvious to one skilled in the art, at the time of the invention to include the search circuit 130 for determining virtual trunk value (tagging information) from a VLAN identifier as taught by Crinion in the IEEE standard 802.1Q in order to assign more information to a frame, other than port information, such as source

address, destination address, protocol information, and priority level. The motivation to do so would allow switch to forwards or filters frame more efficiently.

Regarding to claim 2, the IEEE standard 802.1Q discloses the plurality of values includes an identifier of the first port (pg. 1 lines 23-25, the received physical port read on as an identifier of the first port)

Regarding to claims 4 and 10, the IEEE standard 802.1Q teaches that the received packet includes a VLAN identifier (a VLAN identifier is included in a received tagged packet, pg. 1, lines 9-11 and 15-18).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over an applicant's admitted prior art (an IEEE standard 802.1Q) and Crinion, further in view of Kerstein (U.S. Patent 6,111,874).

Regarding to claim 7, the IEEE standard 802.1Q and Crinion discloses all the limitation with respect to claim 1, except for reducing the plurality of values to a smaller-bit value and using the smaller-bit value in a table look-up. However, Kerstein discloses a network switch with a host processor for determining a virtual trunk values by using a smaller bit-value in a table look-up (Fig. 4 col. 7 lines 56-60). Thus, it would have been obvious to one skilled in the art to include the determining a virtual trunk values using a smaller bit-value in a table look-up as taught by Kerstein in the IEEE standard 802.1Q and Crinion's system save memory space in the look-up table.

Allowable Subject Matter

7. Claims 13-15, 18, and 18 are allowed.

Conclusion

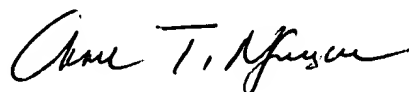
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Duong whose telephone number is 703-605-5146. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9408 for regular communications and 703-827-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DD

September 15, 2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600